

Application No. 10/669,285
Amendment dated January 18, 2005
Reply to Office Action of October 20, 2004

Docket No. 1232-5165

REMARKS

Applicants respectfully request reconsideration of this application in view of the foregoing amendment and following remarks.

Status of the Claims

Claims 1-6 are pending in this application. Claim 1 is independent. All of the pending claims stand rejected.

By this amendment, claims 5 and 6 are cancelled without prejudice or disclaimer. Claims 1-4 are amended. New claims 7-12 are added. No new matter has been added by this amendment.

Rejection under 35 U.S.C. §102

Claims 1 and 2 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0007677 to Hiroi et al. ("Hiroi").

Hiroi discloses a pattern inspecting apparatus in which a scanned image and an expected image are compared to find a defect on a wafer. In Hiroi's apparatus, defects detected in a high sensitivity conditions are regarded as defect candidates and a threshold value is obtained used as a boundary to detect a smaller value as a defect. The obtained threshold value is compared with plural threshold values, thereby permitting plural inspection results to be obtained in a single inspection.

In rejecting claim 1, the Examiner cites Figs. 3 which shows a layout of an already patterned wafer and Fig. 12 that shows a display screen view showing a defect acknowledging screen of inspection.

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Claim 1 has been amended for further clarification. In particular, amended claim 1 recites "determining a value of the parameter based on the feature values obtained by the second process and a reference value."

With the features of the present invention, the accuracy of the position detection is improved even when the obtained image signal of the alignment mark includes an error due to the influence of the wafer process error such as a wafer induced shift (WIS) that normally induce a distortion component to the edge detection.

In contrast, Hiroi discloses an apparatus for inspecting a pattern that can change a noise defect eliminating parameter and an image processing parameter. However, there is nothing in Hiroi that discloses the determining process of the present invention as specifically recited in the amended claim 1 as discussed above.

Applicants believe that Hiroi, as discussed above, simply fails to show or suggest the aspects of the present invention as discussed above.

Reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(e) is respectfully requested.

Applicants have not individually addressed the rejections of the dependent claims because Applicants submit that the independent claims from which they respectively depend are in condition for allowance as set forth above. Applicants however reserve the right to address such rejections of the dependent claims should such be necessary.

New claims 7-12 have been added to recite the claimed invention in an alternative manner. In particular, added independent claim 10 recites similar features to claim 1 as amended, i.e., "to determine a value of the parameter based on the feature values obtained by the second

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process and a reference value. Added claims 7-9 each depends from claim 1. Added claims 11 and 12 each depends from claim 10. Claims 7-12 are accordingly believed to be allowable for at least the similar reasons as for claim 1 as discussed above.

Applicants believe that the application including the added claims is in condition for allowance and such action is respectfully requested.

AUTHORIZATION

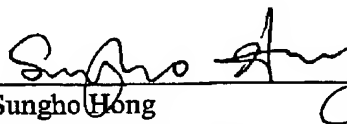
No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicants hereby petition the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-5165). A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: January 18, 2005

By:


Sungho Hong
Registration No. 54,571
(212) 415-8700 (Telephone)
(212) 415-8701 (Facsimile)

Correspondence Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101